

**Subject:** Black Love Resists in the Rust v. City of Buffalo, 18-cv-719 (WDNY)  
**Date:** Wednesday, October 13, 2021 at 11:15:10 AM Eastern Daylight Time  
**From:** Edward Krugman  
**To:** dmv.sm.legal@dmv.ny.gov  
**Attachments:** image001[10].png

Hello

I am one of the counsel for Plaintiffs and the putative class in *Black Love Resists in the Rust, et al. v. City of Buffalo, et al.*, No. 3:18-cv-719, which is pending in the United States District Court for the Western District of New York. We have alleged that the City of Buffalo has engaged, and continues to engage, in racially discriminatory traffic enforcement.

Some time ago, we served a subpoena on the DMV seeking the driver's license photographs for all individuals who had been ticketed in Buffalo over a period of time (2012 to the date of the subpoena). My colleague, Claudia Wilner, had a conversation with Christopher Heer of your office in which he explained (a) a Court order was needed with respect to the subpoena and (b) photographs could only be obtained on an individual, sit-at-the-computer-and-print-them-out basis; they could not be obtained by running a query against the DMV database. Some time later I followed up with a person I understood to be a legal assistant in your office (to my embarrassment, I have lost the name), who gave me further details about the photo-printing process. In the course of that conversation I came to understand that although *photographs* could only be produced one-by-one, other driver's license information—specifically, the street address of the driver—could be obtained *en masse*, by querying the DMV database with a list of driver's license numbers.

The purpose of this e-mail is to determine whether that understanding is correct—that is, if we gave you a list of New York driver's license numbers, the DMV could use that list to query a database and provide the street addresses of the drivers. I should make clear that we are *not* seeking the names of the drivers; only the street addresses. We are not looking for individuals or witnesses; we wish to use the address information to perform statistical analyses in support of our race discrimination case.

The number of driver's license numbers we have is large—about 77,000. We accept that if this cannot be done by a database query, it cannot be done at all. It may require some IT involvement to write the query, but I should think it would be possible. Anyway, the purpose of this e-mail is to find out whether it is. I would be grateful to hear back from you. If the answer is "yes, it can be done," that's great—we'll inform the Court and get the subpoena issued. If there are questions or uncertainty, let's please set up a call to discuss.

Thank you.

Ed Krugman



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